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19 **ATTORNEYS FOR PLAINTIFF**

20 **UNITED STATES DISTRICT COURT**

21 **NORTHERN DISTRICT OF CALIFORNIA**

22 **OAKLAND DIVISION**

23 SKYE ASTIANA, on behalf of herself and all  
24 others similarly situated,

25 Plaintiff,

26 v.

27 BEN & JERRY'S HOMEMADE, INC.,

28 Defendant.

CASE NO.: 4:10-cv-04387-PJH (EDL)

CLASS ACTION

**STIPULATION AND NOTICE OF DISMISSAL**

Honorable Phyllis J. Hamilton

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Skye Astiana and Defendant Ben & Jerry's  
2 Homemade, Inc., representing all parties that appeared in this action, hereby stipulate to dismissal of  
3 this action with prejudice.<sup>1</sup>

4

5 Dated: May 6, 2014 BRAUN LAW GROUP, P.C.

6 By: s/Michael D. Braun  
7 Michael D. Braun, Co-Lead Attorney for PLAINTIFF

8 Dated: May 6, 2014 FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

9 By: s/Joseph N. Kravec, Jr.  
10 Joseph N. Kravec, Jr., Co-Lead Attorney for PLAINTIFF

11 Dated: May 6, 2014 LAW OFFICES OF JANET LINDNER SPIELBERG

12 By: s/Janet Lindner Spielberg  
13 Janet Lindner Spielberg, Co-Lead Attorney for PLAINTIFF

14 Dated: May 6, 2014 MORRISON & FOERSTER LLP

15 By: s/William L. Stern via consent  
16 William L. Stern, Attorneys for DEFENDANT

26 <sup>1</sup> The dismissal is effective upon filing. See Fed. R. Civ. P. 41(a)(1)(A)(ii); *Anago Franchising, Inc. v.*  
27 *Shaz, LLC*, 677 F.3d 1272, 1277 (11th Cir. 2012); *Garber v. Chicago Merchantile Exch.*, 570 F.3d  
28 1361, 1366 (Fed. Cir. 2009); *McCall-Bey v. Franzen*, 777 F.2d 1178, 1185 (7th Cir. 1985).

## PROOF OF SERVICE

STATE OF PENNSYLVANIA )  
COUNTY OF ALLEGHENY ) ss.

I am employed in the County of Allegheny, State of Pennsylvania. I am over the age of 18 and not a party to the within action. My business address is 429 Forbes Avenue, Allegheny Building, 17th Floor, Pittsburgh, PA 15219.

On May 6, 2014, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

## **STIPULATION AND NOTICE OF DISMISSAL**

**[X] BY ELECTRONIC TRANSMISSION USING THE COURT'S ECF SYSTEM:** I caused the above document(s) to be transmitted by electronic mail to those ECF registered parties listed on the Notice of Electronic Filing (NEF) pursuant to Fed.R.Civ.P. 5(d)(1) and by first class mail to those non-ECF registered parties listed on the Notice of Electronic Filing (NEF). *“A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P. 5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se.”*

I declare that I am admitted *pro hac vice* in this action.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on May 6, 2014, at Pittsburgh, Pennsylvania.

s/Joseph N. Kravec, Jr.  
Joseph N. Kravec, Jr.